

## **REMARKS/ARGUMENTS**

Responsive to the Final Office Action dated July 23, 2007, Applicant has filed this Preliminary Amendment and Request for Continued Examination. Claims 1-9 stand rejected. Claims 1, 2, 6, 7, and 9 have been amended. Claims 1-9 are pending for prosecution. Claims 1, 7 and 9 are independent. Applicant respectfully requests reconsideration the rejected claims.

### **I. Claim Rejection Under 35 U.S.C. § 102(b)**

Claims 1-3 and 5-8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,067,525, issued to Johnson et al. For the following reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The Office Action asserts that Johnson teaches an automated sales force method and a system for comprehensively managing the sales process or sales persons and sales organizations. In particular, it was asserted that Johnson teaches “a system for managing sales processes including information regarding at least one process (column 3 from line 60 through column 4, components of the tool supporting numerous sales processes with data component for core process components); information regarding a plurality of steps having a sequential order (from column 4: major core processes generally in sequential order ‘lead generation’, ‘time with customer...’); information regarding at least on result (column 4 from line 60: ‘generating revenue by committing a customer to a sale’, a result e.g.) creating at least one deal (the sale) and indicating completion of steps associated with at least one process (column 5 from line 32: order management process, order entry indicates completion of ‘time spent with customer’ process); and indicating a next step to be completed based upon a completion of steps (column 6 from line 26: the support component assisting sales personnel with carrying out tasks; from line 42: creating a ‘todo list’; column 8 from line 34: an event manager initiating other actions or

operations based on events or result to processes). Applicant respectfully traverses all of these assertions.

Johnson does not anticipate the present invention because Johnson fails to disclose each and every element of the invention as claimed. In particular, Johnson does not teach a system with various methods for “indicating completion of steps” as recited in the Applicant’s Claim 1. Johnson does not teach a system that maintains a consistent recording of steps as any of the steps change as recited in Applicant’s amended Claims 1 and 7. Furthermore, Johnson also fails to disclose the specific selection of a “next step to be completed based upon the indicated completion of steps” as recited in independent Claims 1 and 7. Johnson teaches a linear, sequential and pre-determined order of a sales process. The only deviations to the process taught by Johnson are skipped steps. Johnson fails to teach the possibility that the information is stored regarding “the changeable nature of the plurality of steps” or that the change in information produces a change in the overall result and therefore there are a variety of methods for “indicating completion of steps.” In the areas cited by the Examiner, column 5 from line 32, column 6 from line 26 and from line 42, column 8 from line 34, as well as the rest of the disclosure, there is a failure to teach that the sales process can be customized in an arbitrary manner. Specifically, the option for the sales person to “manage changes” (column 5, line 39) addresses the method of data collection, such as customer address or selected product features, for potential use in subsequent steps (column 5, lines 44-50). This type of managing changes is clearly not “indicating completion of steps” for a deal. Similarly, assisting a sales person “managing their opportunities, time, contact, schedules, goals, tasks, etc” (column 5, lines 31-32) fails to teach that there are configurable paths in the sales process. Instead, Johnson teaches that there are a variety of different components and steps within those components in the system but

that these components and/or steps can not be connected or reconfigured to occur in an arbitrary sequence. Further, the discussion of a “to-do list” is specifically mentioned as an automatically generated list that would be used for self-management (column 6, lines 39-44). In other words, the to-do list, while generated by the system, is static and not used by the system for “indicating a next step to be completed.” Johnson clearly discloses that the self-management portion of the system consists of loosely grouped tasks that do not occur as part of any automated process. The present invention is concerned with a process that has next steps that are configurable and that automatically impact the deal path through the process. Johnson, on the other hand, uses a “to-do list” for self-management and this type of list and completion of such a list has no impact on the deal path of the process.

The Examiner disagrees with Applicant’s previously submitted arguments and asserts that the features relied upon (i.e. arbitrary customization/recognition of process steps in an arbitrary sequence/ordering to a “novel path”) do not exist in the rejected claims. The Applicant respectfully disagrees; these features do exist in the claims and existed before the amendments but are now made entirely clear by the present amendments. Specifically, in Claims 1 and 7, the language “at least one process” is used in the context of “means for indicating completion of steps” and “means for indicating a next step to be completed based upon the indicated completion of steps.” This language clearly describes a system with novel paths and custom configuration based upon one or more processes, the processes consisting of steps that need some indication of the connection between the steps that was not taught or contemplated in Johnson. Additionally, the language in amended Claims 1 and 7 indicate that the plurality of steps has a changeable nature and that as a step is changed the system has a means for maintaining the consistent recording of the plurality of steps even as one of the steps is changed.

This means that not only can a step be added but a step may be deleted. As a step changes then the plurality of steps may change thus having a varying end result specific and customizable to the specific process or deal that is occurring.

The Applicant maintains that Johnson is nothing more than a part of the background for one of the unsolved needs in the art met by the present invention. As stated in Applicant's Background of the Invention, the system known in the art was a sequential system wherein each step of a process had to be performed in order in a deal and the system was only moving from one step to the next, to the next, and on until termination. Similarly, Johnson does not teach the method for "indicating completion of steps" nor the specific selection of the "next step to be completed based upon the indicated completion of steps." Johnson does not teach how the context or order of the sequence of operations is created; rather Johnson's system assumes a pre-defined context and sequence that is not user modifiable. See column 8, line 34, the "event manager 201A recognizes events occurring in the system and determines, on the basis of the event and the context in which the event occurs, what if any other actions or operations should be carried out by the system." Johnson does not teach that the process can be configured. Configuration implies that a change may occur in the sequence of events and amended Claims 1 and 7 disclose the changeable nature of the plurality of steps. Accordingly, because Johnson fails to teach each and every element of independent Claims 1 and 7 and the claims depending therefrom, Johnson cannot therefore anticipate the invention as claimed.

Even though the Applicant does not need to address the dependent claims separately, Applicant will briefly discuss elements that Johnson does not teach in dependent Claims 2, 3, 6, and 8 of the present invention.

Regarding Claims 2 and 8, Johnson does not teach that the steps in the process can be configured. The present invention discloses that the system can be configured in such a way that the predecessor and successor actions, i.e., the process step being completed and the next step to be completed, can be changed and configured at any point during the operation of the system, including after the deal is already engaged in the process. Specifically, the language in amended Claim 2 recites a “means for determining a next step to be completed.” This further indicates a process that may be configured into arbitrary paths based on changes that have occurred in the plurality of steps. Additionally, a means is provided for the consistent recording of results that will change because a step in the plurality of steps has changed. There are many examples disclosed in Johnson where a pre-defined sequence of steps must be taken during the process. Some of these steps might be able to be skipped but Johnson does not disclose the ability to define a novel path through the process. For example, Johnson teaches a pre-defined sequence/path that is followed (column 12, lines 59-62) by the event manager. As another example, Johnson discloses how the event module is implemented as a set of rules (column 32, lines 37-45). The rules are used to trigger subsequent events in the process. The rules are further described in detail, but the rules are too structured to allow for the “determining the next step to be completed based upon the indicated at least one result” as is claimed in Claim 2 of the present invention. As an additional example, Johnson discloses an example rule (column 32, line 62-column 33, line 4). While examples are not limiting, it is notable the example provided in Johnson is a simplistic rule used to identify conflicts in data in the system and determine, “what if any subsequent action should be taken by the system.” This clearly indicates that Johnson does not teach a system to have arbitrary paths including previous or current actions. Therefore, Johnson fails to teach each and every element of Claim 2 as amended in the present invention.

Regarding Claim 3, Johnson does not teach an arbitrary ordering of the steps in a sales process. Claim 3 describes the configurable nature of a process “wherein the next step may be any step in the sequential order of the plurality of steps.” Importantly, in the cited sections (column 3 from line 60-column 4) there is no indication, as suggested by the Examiner, that Johnson discloses “processes generally accepted as sequential in the art but not so limited.” In fact, all the supporting text and figures (see Figs. 16-18) indicate nothing other than a strict, linear sequence. As noted hereinabove, the citations of column 6 from line 26, and from line 42 similarly lack the detail necessary to teach that the generally accepted sequential processes are anything other than strictly linear and sequential.

While Johnson discloses that a salesperson can “assign a process (i.e. a series of steps)” and that there is some recognition for providing “a structured sales process for the salesperson by integrating the best knowledge and expertise of an organization’s best selling strategies,” there is no teaching that this process can be thoroughly customized. Rather, repeatedly a static, linear, and sequential process is taught. Consider the descriptions of Figs. 16-18 and column 28, line 7 through column 30, line 12. Except as noted in column 28 lines 25-28 and lines 30-32, there is no indication that Johnson considers anything other than a strictly sequential and linear approach to a sales process. And, even in these sections, Johnson discloses only that some steps can be skipped, not that they may “be any step in the sequential order of the plurality of steps” as claimed by Claim 3 of the present invention. In other words, in Johnson the path through a process could be something like: START→1→2→(explicitly skip 3)→4→END, while the current application would allow something like: START→1→1→2→4→2→5→END. Finally, Johnson discloses the consideration of skipped steps but these are limited to sub-components of the proposal system, and not any other sub-components of the other systems (order submission

or price information update). Certainly, Johnson fail to teach that major steps in the process can occur in any sequence as is disclosed by the present invention. Therefore, Johnson fails to teach each and every element of Claim 3 of the present invention.

Regarding Claim 6, Johnson fails to teach a method for “changing information regarding at least one of the plurality of steps” or for “ensuring that each process associated with a change of information of at least one of the plurality of steps is complete” as disclosed in amended Claim 6 of the present invention. This language clearly indicates that should a change in the sales process occur while deal is being worked on, the deal remains complete and consistent in its context. The present invention discloses a process wherein the steps in the sales process can be changed while a deal is still moving through the system. Importantly, the cited areas of Johnson (column 20, from line 20 and from line 49) are taken out of context. Immediately earlier in Johnson (column 20, from line 8), the description of the self-management component contains several sub-components. Johnson discloses these components as part of the system and integrated to share data structures but fails to teach any automation for transitioning between them. Rather, this self-management component is a loose collection of tools, such as word processing, email and fax operations, as well as a time management tool (calendar) (column 20, from line 49). These tools are not to ever follow a sequence, whether desired or not. In this system the sales person could choose to do word processing then email, or the other way around, and have no “means for indicating completion of steps” or the “next step to be completed.” Johnson also fails to teach the ability to change the process mid-way through, as disclosed by Claim 6. Further, because steps are merely skipped and do not impact the overall path or process Johnson fails to teach any validation checking of a changed process or “means for ensuring that each process associated with a changed at least one of the plurality of steps is complete.”

The present invention acknowledges that a degree of variability of paths could result in an invalid path without having existed in the system some method for validating a path. For example, without this validation step there could be a process defined that never reaches an END state because it either creates an infinite loop through the process, or that one path through the process ends up disconnected from the process flow. The lack of disclosure for this possibility further indicates that Johnson fails to even consider, let alone teach, the extent of variability in a process as does the present invention. Therefore, Johnson fails to teach each and every element of Claim 6 of the present invention.

Johnson does not teach the recording of the completion of a step, that steps may occur in any order, the changeable nature of the steps or that changes create a coherent process having coherent results and leave current deals in an uncorrupted state. Therefore, because Johnson fails to teach each and every element of Claims 1-3 and 5-8, Johnson cannot anticipate the invention as claimed.

## **II. Claim Rejections - 35 U.S.C. § 103**

### **A. Obviousness**

When determining the question of obviousness, underlying factual questions are presented which include (1) the scope and content of the prior art; (2) the level of ordinary skill in the art at the time of the invention; (3) objective evidence of nonobviousness; and (4) the differences between the prior art and the claimed subject matter. Graham v. John Deere Co., 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966). Moreover, with regard to the last prong of the *Graham* inquiry, “[t]o determine whether there was an apparent reason to combine the known elements in the way a patent claims, it will often be necessary to look to interrelated teachings of multiple patents; to the effects of demands known to the design community or present in the marketplace; and to the background knowledge possessed by a person having ordinary skill in



the art. To facilitate review, this analysis should be made explicit.” KSR International v. Teleflex Inc., 127 U.S. 1727 (2007).

The person of ordinary skill in the art is a hypothetical person who is presumed to know the relevant prior art. Custom Accessories, Inc. v. Jeffrey-Allan Indus., Inc., 807 F.2d 955, 962, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986). The level of ordinary skill in the art of computer programming may be determined by looking to the references of record. In re GPAC, Inc., 57 F.3d 1573, 35 USPQ2d 1116 (Fed. Cir. 1995). The references of record in this case reveal that a moderately high level of sophistication is present in the subject area of the subject area of the instant application. Thus, Applicant submits that, as substantiated by the cited references, those with at least a bachelor’s degree in computer science or some experience in computer programming or the like would most likely be a person with ordinary skill in this field of endeavor.

With respect to objective evidence of nonobviousness, Applicant submits that the record supports the conclusion that there are long-felt but unsolved needs met by the present invention. For at least this reason Applicant respectfully submits that the claimed invention is not obvious in view of the cited references.

Finally, prima facie obviousness requires that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references. This motivation-suggestion-teaching test informs the Graham analysis. “To reach a non-hindsight driven conclusion as to whether a person having ordinary skill in the art at the time of the invention would have viewed the subject matter as a whole to have been obvious in view of multiple references,” there must be “some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is

correct.” In re Kahn, (Fed. Cir. 2006). The recent *KSR International* decision by the Supreme Court has not eliminated the motivation-suggestion-teaching test to determine whether prior art references have been properly combined. Rather, in addition to the motivation-suggestion-teaching test, the Court discussed that combinations of known technology that are “expected” may not be patentable. Stated in the affirmative, therefore, combinations are nonobvious and patentable if unexpected. In the present application, no single prior art reference nor any combination thereof (legitimate or otherwise) meets the claimed limitations of Applicant’s invention.

**B. Rejection of Claims 4 and 9**

Claims 4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. in view of De Francesco, Jr. et al. (U.S. Pat. No. 6,505,176). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of this rejection.

The Office Action asserts that Johnson teaches “indicating completion of steps associated with at least one process (column 5 from line 32: order management process, order entry indicates completion of ‘time spent with customer’ process).” It is admitted, however, that “Johnson does not expressly teach removing an indicating that a step has been completed and indicating a next step based on the indication.” It is also asserted that Johnson teaches a “salesforce system in which ‘time with customer’ may result in a change order (column 6, line 49) after having processed ‘order management.’ A change order is effectively a cancellation of a previous order and entry of a new (changed) order, or, as well known in the art, a cancellation of an order altogether (see also column 18, line 17).” It is further asserted that Johnson teaches “an ‘event management component’ responsive to events in the system (such as change orders) and that Johnson’s system supports team selling, workgroups, and workflow environment.” It is

asserted that DeFrancesco teaches “in the art of workflow management, specifically to the managing and initiating workflow steps in the event of changes to task status.” It is also asserted that DeFrancesco “teaches (Figure 4 and related discussion) the status of tasks in a workflow system including completed status, and further teaches responding to changes in workflow system including completed status, and further teaches responding to changes in workflow status with events which indicate next steps (see Figure 8 and related).” It is concluded that, “in such a system of salesforce process tasks/workflow system such as Johnson, the ‘completion’ of an order followed by the initiation of a change order, would have resulted in an indication that the order is cancelled or pending (or no longer complete) pending the change order, the indication thereafter resulting in action by the sales person to update the order prior to further processing.”

Claim 4 depends from Claim 1 and recites the additional limitations of “means for removing an indication that a step has been completed” and “means for indicating the next step to be completed based upon the removal of the indication of a completed step.” It is clear from this language that alternate and configurable paths through the system may be taken especially as there if there is a change in the plurality of steps and therefore there is a different path. As discussed above in connection with the rejection of Claim 1 as being anticipated by Johnson, Johnson fails to teach or suggest all of the element so independent Claim 1. In particular, Johnson fails to teach or suggest a method for “indicating completion of steps.” Johnson also fails to teach or suggest the specific selection of a “next step to be completed based upon the indicated completion of steps.”

It is not proper to read teachings into Johnson that are not there. Specifically, Johnson does not teach the indication of completion of a step or of the changeable nature of steps, rather, Johnson teaches recording data associated with a step, but does not suggest that the data might

indicate the completion of a step (column 5 from line 32) or what happens if the steps change. Similarly, the Examiner admits that Johnson does not teach the removal of such a completion indicator.

Further, it is not proper to read activities into the change order disclosed in Johnson that are not suggested by Johnson. For example, Johnson does not describe that a “change order is effectively a cancellation of a previous order and entry of a new (changed) order, or, as well known in the art, a cancellation of an order altogether.” July 23, 2007 Office Action page 5 (citing column 6 line 49; column 18 from line 17). Rather, as discussed earlier, the change orders are more limited in scope to data entries (such as address or selected features), not process paths. Johnson discloses a forecasting module as one of the few reporting modules but Johnson does not teach or suggest specific reporting on changed status on process steps. Johnson also does not teach or suggest the changeable nature of the plurality of steps and as such if those steps change then the steps will be recorded consistently and a new path will be taken.

The method disclosed in Johnson may support team selling and workgroups but the consideration of workflow, as noted earlier, is considerably more limited than would lead one to consider a generalization with DeFrancesco. The workflow disclosed in Johnson suggests that steps in a process may be skipped but is explicitly linear sequential. However, traditional workflow that is old and well known in the art allows more robust configurations as noted by DeFrancesco and many others. Hence, Johnson specifically teaches against (Figs. 16-18, and related discussion, above) that the robust process pathing suggested in amended Claims 1-9 of this application should be possible. It is respectfully urged that upon reading Johnson, one would not be motivated to attempt the generalizations suggested by the Examiner in combining Johnson with DeFrancesco since the traditional implementation of a sales process, both in the

system disclosed in Johnson as well as what is commonly practiced in the art, would require extensive modification to both Johnson as well as DeFrancesco. Combining robust workflow with Johnson is a uniquely novel difficulty in that one must incorporate the concept of complex deal structures (introduced above, but not considered by Johnson) moving through a potentially changing process path, while maintaining the appropriate information on the deal, it's completed, and subsequent steps in the potentially changed process. Further, it is also important to have a clear method for guaranteeing that a process is well defined since deals may have already been in progress on that process before the change occurred. Hence, the combination of Johnson and DeFrancesco is anything but obvious.

Applicant therefore respectfully submits that neither Johnson or DeFrancesco or any legitimate combination thereof teach or suggest all of the limitations of independent Claims 1 or 9 or the limitations of dependent Claim 4.

### **Conclusion**

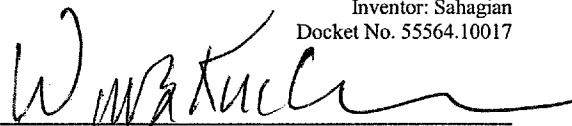
Applicant respectfully submits the claims are in condition for formal allowance which is courteously solicited. If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard. Should any fees be necessitated by this response, the Commissioner is hereby authorized to deduct such fees from Deposit Account No. 11-0160.

Respectfully submitted,

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Preliminary Amendment

Inventor: Sahagian  
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